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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,063	04/27/2001	Philip D. Mooney	Mooney 68	9579
7590 01/11/2006				
Esther H. Chong, Esquire Synnestvedt & Lechner LLP 2600 ARAMARK Tower 1101 Market Street Philadelphia, PA 19107-2950			EXAMINER PHU, SANH D	
			ART UNIT 2682	PAPER NUMBER
DATE MAILED: 01/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/844,063	<b>Applicant(s)</b> MOONEY, PHILIP D.	
	<b>Examiner</b> Sanh D. Phu	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8-11 and 13-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-11 and 13-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is responsive to the Applicant's Response filed on 11/14/05. Claims 1-6, 8-11 and 13-33 are currently pending. Claims 7 and 12 are canceled.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 11, 13, 15-18, 20, 21, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayyagari et al (20010033554), (previously cited), in view of Wehmeyer et al (6,546,091), (newly-cited).

-As per claims 11, 13, 16, 18, 29 and 31, see figures 1, 2, 8 and 9, and sections [0032]-[0046] and [0065]-[0072], Ayyagari et al discloses a method and an associated system for providing service record, comprising a first communication device (e.g., PICONET DEVICE 215) and a second

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communication device (e.g., PICONET DEVICE 215) (see figure 2), the second communication device capable of providing to the first communication device an updated record of services, the services including modem based services using a connection between its modem (172) and a network (173, 180) (see figure 1) wherein the method/system comprises:

step/means of generating by the second communication device, a service record identifying modem-based services that can be offered by the second communication device to the first communication device if a request or inquiry for such modem-based services is made by the first communication device to the second communication device (see (800), (810), (815) of figure 8).

Ayyagari et al does not disclose step/means of determining whether a proper phone line connection exists in the second communication device.

Wehmeyer et al teaches a modem-based communication system (see figure 1) using a telephone line for connection between its modem (50) and a network "computer at a central location", and teaches step/means (40) of determining whether a proper phone line connection between the network and the modem exists in the modem-based communication system and reports the

status of said connection to the system (see figure 1, and col. 3, line 6 to col. 4, line 35).

Ayyagari et al discloses that the second communication device can update the service record identifying modem-based services by being based upon the current status, states and relevant information of the second communication device related to said modem-based services (see [0005, 0049–0051, 0065]). Namely, based upon said current status, states and relevant information, the second communication device is capable to generate an updated service identifying available modem-based services by adding or removing some services to or from the record if said current status, states or relevant information indicates that these services then become available or unavailable.

Further, in Ayyagari et al, if the network (173, 180) is the Internet (see [0044]), the modem (172) can inherently be connected with the network via a telephone line.

Since, in Ayyagari et al, services related to the modem having a connection with the network via the telephone line inherently should be

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removed from the updated services record if said services become unavailable due to no proper connection between the modem and the network is occurred, it would have been obvious for a person skilled in the art to implement Ayyagari et al with step/means of determining whether a proper phone line connection between the network and the modem exists in the second communication device and reports the status of said connection to the second communication device, as taught by Wehmeyer et al, whenever, an update of the service record identifying modem-based services needs to be generated so that services related to the modem having a connection with the network via the telephone line inherently would be removed from the updated services record if no proper connection occurred between the modem and the network is reported for indicating the unavailability of said services.

With such the implementation, Ayyagari et al in view of Wehmeyer et al inherently teaches the service record identifying the services would be generated only if a proper line connection is reported.

–As per claims 20 and 33, Ayyagari et al discloses that the services could include a LAN access service (see Ayyagari et al, section [0044]).

-As per claim 21, Ayyagari et al discloses that communicating the service record from the second communication device to the first communication device uses short-range wireless communication techniques (BLUETOOTH) (see figure 3).

-Claims 17 and 30 are rejected with similar reasons set forth for claim 11.

-Regarding to claim 15, Ayyagari et al discloses that the services include a LAN access services (see (171) of figure 1).

2. Claims 1-6, 8-10, 14, 19, 22-27, 28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayyagari et al, in view of Williams et al (5,815,682), (previously cited), and further in view of Wehmeyer et al.

-As per claim 1, see figures 1, 2, 8 and 9, and sections [0032]-[0046] and [0065]-[0072], Ayyagari et al discloses a method and an associated system for providing service record, comprising a first communication device (e.g., PICONET DEVICE 215) and a second communication device (e.g., PICONET DEVICE 215) (see figure 2), the second communication device capable of providing to the first communication device an updated record of services, the

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services including modem based services using a connection between its modem (172) and a network (173, 180) (see figure 1) wherein the method/system comprises:

step/means of generating by the second communication device, a service record identifying modem-based services that can be offered by the second communication device to the first communication device if a request or inquiry for such modem-based services is made by the first communication device to the second communication device (see (800), (810), (815) of figure 8).

Ayyagari et al does not disclose step/means of determining whether a modem is present in the second communication device.

Williams et al discloses step/means (90, 92, 94) of determining whether particular modem(s) for particular applications are present in a communication system and reporting a status indicating the presence or absence of the modem(s) to the communication system (see figures 3 and 4A and col. 8, line 16 to col. 13, line 58).

Ayyagari et al discloses that the second communication device can update the service record identifying modem-based services by being based



upon the current status, states and relevant information of the second communication device related to said modem-based services (see [0005, 0049–0051, 0065]). Namely, based upon said current status, states and relevant information, the second communication device is capable to generate an updated service identifying available modem-based services by adding or removing some services to or from the record if said current status, states or relevant information indicates that these services then become available or unavailable.

Since, in Ayyagari et al, services related to a usage of the modem inherently should be removed from the updated services record if said services are unavailable due to the absence of the modem in the second communication device, it would have been obvious for a person skilled in the art to implement Ayyagari et al with step/means of determining whether the modem is present in the second communication device and reporting a status indicating the presence of the modem to the second communication device, as taught by Williams et al, whenever, an update of the service record identifying modem-based services needs to be generated so that services related to the usage of

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the modem would be removed from the updated services record if the absence the modem is reported for indicating the unavailability of said services.

Ayyagari et al in view of Williams et al does not disclose step/means of determining whether a proper phone line connection exists in the second communication device.

Wehmeyer et al teaches a modem-based communication system (see figure 1) using a telephone line for connection between its modem (50) and a network "computer at a central location", and teaches step/means (40) of determining whether a proper phone line connection between the network and the modem exists in the modem-based communication system and reports the status of said connection to the system (see figure 1, and col. 3, line 6 to col. 4, line 35).

In Ayyagari et al in view of Williams et al , if the network (173, 180) is the Internet (see Ayyagari et al, figure 1 and [0044]), the modem (172) can inherently be connected with the network via a telephone line.

Since, in Ayyagari et al in view of Williams et al , services related to the modem having a connection with the network via the telephone line inherently

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should be removed from the updated services record if said services become unavailable due to no proper connection between the modem and the network is occurred, it would have been obvious for a person skilled in the art to implement Ayyagari et al in view of Williams et al with step/means of determining whether a proper phone line connection between the network and the modem exists in the second communication device and reports the status of said connection to the second communication device, as taught by Wehmeyer et al, whenever, an update of the service record identifying modem-based services needs to be generated so that services related to the modem having a connection with the network via the telephone line inherently would be removed from the updated services record if no proper connection occurred between the modem and the network is reported for indicating the unavailability of said services.

Therefore, with such the implementation, Ayyagari et al, in view of Wehmeyer et al and Williams et al, inherently teaches that the service record identifying the modem-based services would be generated if the first determining step determines that the modem is present in the second

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communication device, and if the second determining step determines that a proper phone line connection exists in the second communication device.

-Claims 2 and 4 are rejected with similar reasons set forth for claim 21.

-As per claim 3, Ayyagari et al discloses that the communicating is implemented by

Service Discovery Protocol (SDP) (415) installed in the first and second communication

Devices (see figure 4).

-As per claim 5, Ayyagari et al in view of Williams et al and Wehmeyer et al discloses step of detecting whether a phone line is plugged into a phone jack connected to the modem (see Wehmeyer et al, col. 3, lines 25-26, col. 5, lines 7-24).

-As per claim 6, Ayyagari et al in view of Williams et al and Wehmeyer et al discloses step of determining a voltage difference between wires of a phone line connected to the modem (see Wehmeyer et al, col. 3, lines 25-26, col. 5, lines 7-24).

-Claims 8 and 26 are rejected with similar reasons set forth for claim 11.

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-As per claim 9, Ayyagari et al invention in view of Williams et al and Wehmeyer et al would be capable of to generating a message informing the first communication device that there is no proper phone line connection when the second determining step determines that no proper phone line connection exists in the second communication device as a reply of deny availability of the requested services (see Ayyagari et al, (825) of figure 8, and section [0065]).

-As per claim 10, Ayyagari et al in view of Williams et al and Wehmeyer et al discloses that the modem-based services could include a Dial-up Networking Gateway service (see Ayyagari et al, section [0044] .

-Claims 14, 19, and 32 are rejected with similar reasons set forth for claim 1.

-Claim 22 is rejected with similar reasons set forth for claims 1, 2 and 4.

-Claim 23 is rejected with similar reasons set forth for claim 3.

-Claim 24 is rejected with similar reasons set forth for claim 5.

-Claim 25 is rejected with similar reasons set forth for claim 6.

-Claim 27 is rejected with similar reasons set forth for claim 9.

-Claim 28 is rejected with similar reasons set forth for claim 10.

***Response to Arguments***

3. Applicant's arguments filed on 11/14/05 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

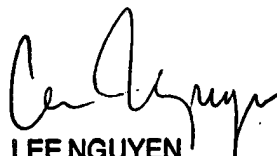
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanh D. Phu  
Examiner  
Art Unit 2682

SP

  
LEE NGUYEN  
PRIMARY EXAMINER